

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of )
JAMES A. KAY, JR. ) File Nos. 0001419150
Applications To Operate Industrial/Business ) 0001420784
Stations in the Private Land Mobile Radio )
Services at Various Locations in California )

ORDER

Adopted: April 20, 2004

Released: April 20, 2004

By the Assistant Chief, Mobility Division, Wireless Telecommunications Bureau:

1. On August 15, 2003, James A. Kay, Jr. (Kay) filed the first of the above-captioned applications, File No. 0001419150, seeking authority to add frequencies in the 470-476 MHz band to existing sites under his license for Station KJV843 in the Montrose, California area. Three days later, on August 18, 2003, Kay filed the second of the above-captioned applications, File No. 0001420784, seeking authority to construct and operate a new trunked system on the same band in the Los Angeles, California area. The two applications appeared on public notice as accepted for filing on August 20, 2003, and August 27, 2003, respectively. On September 22, 2003, Thomas K. Kurian (Kurian) filed a petition to deny the applications (Petition).

2. In his Petition, Kurian states that the grant of Kay's applications would cause harmful, co-channel interference to Kurian's Station WPSI886, located in Montrose, California. On March 15, 2004, while Kurian's Petition was pending, the Mobility Division, on its own motion, dismissed the above-captioned applications as defective for failing to meet the Commission's frequency coordination

1 FCC Application for Wireless Telecommunications Bureau Radio Service Authorization, FCC Form 601, File No. 0001419150 (Aug. 15, 2003).

2 FCC Application for Wireless Telecommunications Bureau Radio Service Authorization, FCC Form 601, File No. 0001420784 (Aug. 18, 2003).

3 Wireless Telecommunications Bureau Site-By-Site Accepted for Filing, Public Notice, Report No. 1583 at 37-40 (Aug. 20, 2003).

4 Wireless Telecommunications Bureau Site-By-Site Accepted for Filing, Public Notice, Report No. 1589 at 33-37 (Aug. 27, 2003).

5 Petition to Dismiss and/or Deny Applications, filed by Thomas K. Kurian (Sept. 22, 2003).

6 Petition at 2. Specifically, Kurian's license for Station WPSI886 authorizes trunked private carrier operations on ten (10) channels in the 470-476 MHz band. Id. at 1. Kurian states that granting Kay's request under either Application to operate on frequencies 471/474.725, 471/474.875, and 472/474.200 MHz would result in harmful, co-channel interference to Station WPSI866. Id.

requirements.<sup>7</sup> We therefore dismiss Kurian's Petition as moot.

3. Accordingly, IT IS ORDERED that, pursuant to Sections 4(i), 303(r), and 309(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), 309(d), and Sections 0.331 and 1.939 of the Commission's rules, 47 C.F.R. §§ 0.331, 1.939, the Petition to Deny filed by Thomas K. Kurian on September 22, 2003, IS DISMISSED as moot.

FEDERAL COMMUNICATIONS COMMISSION

Cyndi Thomas  
Assistant Chief, Mobility Division  
Wireless Telecommunications Bureau

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<sup>7</sup> Wireless Telecommunications Bureau Site-By-Site Action, *Public Notice*, Report No. 1782 at 11 (Mar. 24, 2004) (listing the applications as dismissed on March 15, 2004); ULS Dismissal Letter, Reference No. 2624354, File No. 0001419150 (Mar. 15, 2004); ULS Dismissal Letter, Reference No. 2624355, File No. 0001420784 (Mar. 15, 2004).